

### **REMARKS**

In the May 11, 2001 Office Action, the Examiner rejected claims 37-80, 85-100, 102, 104, 104-119 and 120-125 under 35 U.S.C. 103 as unpatentable over Fukuma and Waytena and rejected claims 82-84 and 101 and 103 as unpatentable over Fukuma, Waytena and Steadham. In response thereto, the Applicants have amended claims 39, 41, 44, 51, 58, 64, 67, 69, 70, 71, 80, and 107. Two claims in the previous amendment were inadvertently numbered "48" in the previous amendment. One of these claims has been renumbered claim 126. Claims 37-80 and 82-126 remain at issue.

### **Fukuma**

Fukuma relates to a reservation management system for the efficient space utilization of a banquet hall capable of being partitioned into a plurality of areas. The system is an application program designed to run on a stand-alone computer such as a personal computer. The Applicants believe Figures 1, 3, 4 and 5 of Fukuma are most relevant to the present invention and therefore the teachings of Fukuma with respect to these figures will be described in detail below.

Figure 1 of Fukuma illustrates the main software structures of Fukuma's banquet hall reservation system. The main structures include a management table 1, reservation management tables 2, a management table generation unit 7, a management information input unit 6, a conflicting area detection unit 4, a vacancy determination unit 3, and a reservation unit 5.

Figure 3 of Fukuma illustrates all the possible partitions of an exemplary banquet hall named "Fuji" that can be sub-divided into three sub-banquet areas ("Fuji 1", "Fuji 2", and "Fuji 3"). In this example, all the possible combinations of banquet areas are assigned an area code as provided in the table below.

<b>Area Code</b>	<b>Area</b>
10	The entire Fuji banquet hall comprising sub areas Fuji 1, Fuji 2, and Fuji 3.
11	Sub-area Fuji 1
12	Sub-area Fuji 2
13	Sub-area Fuji3
1.4	Fuji North which includes sub-areas 1 and 2
1.5	Fuji South which includes sub-area 2 and 3

Figure 4 of Fukuma provides an actual management table 1 for the Fuji banquet hall. In this management table, the area codes (10 through 15), the area names (Fuji, Fuji 1, Fuji 2, Fuji 3, Fuji North and Fuji South), and the conflicting area codes for each area are provided respectively. For example, when the "Fuji" area code (10) is reserved, all the area codes (10-15) are in conflict and therefore can not be reserved. When "Fuji 2" area code (12) is reserved, codes (12, 10, 14 and 15) are in conflict and can not be reserved. However, non-conflicting areas Fuji 1 (11) and Fuji 3 (13) can be reserved. For a more detailed discussion of the management table 1, see Column 3, lines 57-68 and Column 4, lines 1-8.

Figure 5 of Fukuma shows a reservation management table 2 for a given day (February 1, 1995 for the example provided by Fukuma). The reservation management table 2 in this example lists all the area codes defined above (10 through 15) for the Fuji banquet area, reservation information on an hourly basis (13:00, 14:00 ... 17:00), and the status of each area code (10 through 15) for each hour. Banquet areas that are reserved for a given hour are designated by either an "M" for meeting or a "D" for dinner. For example, banquet area 11 (Fuji 1) is reserved for a meeting between 14:00 and 16:00 hours. When an area code is not reserved for a given hour, it is assigned a conflict number. For example, since none of the area codes are reserved at hour 13:00, they are all assigned a conflict number of "0", which means any of these area codes are available for booking. However at hour 14:00, area code 10 (Fuji) is assigned a conflict number of "3" since it is in conflict with Fuji 1 (11), Fuji 2 (12) and Fuji 3 (13), all of which are booked at this time. Similarly, area code 14 (Fuji North) is assigned a conflict number of 2 at hour 14:00 since Fuji 1 (11) and Fuji 2 (12) are both reserved at this time. For a more detailed discussion of this Figure, see column 7, lines 15-57.

Prior to operation, the banquet hall provider is first required to determined the partitioning of their banquet hall space. The partitioning information and conflict information are then entered into the management table 1 as described above with respect to Figure 4. During operation when an actual reservation is to be made, the provider is first required to enter reservation information (a reservation number, party name, date, banquet area, purpose of use and date) through a series of prompts appearing on the computer display (12) of the computer of Figure 2. Once the information is entered, the vacancy determination unit (3) checks the reservation management table (2) to determine if the requested area code is available for the desired date and time and the conflicting area detection unit (4) determines if there is any conflict. If the requested area is available and there are no conflicts, then the reservation unit (5) enters the reservation into the reservation management table (2) and then updates the table with the appropriate conflict information.

It must be noted that in no way does Fukuma teach or suggest that the reservation system be connected to a network of any kind or that anybody but the banquet hall provider have access to the system. ***Thus in no way does Fukuma contemplate that third parties such as banquet hall patrons would have access to the system over a network.***

### **Waytena**

Waytena provide a system for the remote scheduling of reservations by patrons for various attractions or services at a facility such as an amusement park. The system enables the patrons to efficiently use their time while at the facility, increasing the number of attractions or services visited by the patrons, thereby increasing the enjoyment of the facility.

The Waytena system includes a plurality of hand-held communication devices (PCDs) provided to patrons when they arrive at the facility and a plurality of attraction computers, each associated with an attraction at the facility. The PCDs and attraction computers communicate with one another over a network to manage the scheduling of reservations. During operation, a user enters a request for a reservation for a particular attraction using a PCD. The request is then forwarded to the attraction computer over the network. The attraction computer processes the request and generates a proposed reservation time that is transmitted back to the PCD if the reservation can be accommodated. The patron can then elect to confirm the reservation using the PCD. A confirmation results in the patron's reservation time being stored in a "virtual" queue within the attraction computer. When a reservation time is approaching, the PDA is designed to alert the patron to proceed to the attraction.

The Waytena system is also designed to operate in conjunction with physical queues as well. Thus in a situation where there is both a physical queue and a virtual queue for a given attraction, the management and scheduling of patrons using the virtual queue can be adjusted as desired to balance the admissions of those in the physical queue.

It is useful to note that with the Waytena system, ***those in the physical queue are never entered into the reservation system.*** Rather the physical queue is simply used to adjust the admission of those in the virtual queue to an attraction. With reference to Figure 6 and in Column 22 line 5, Waytena teaches:

When physical queue monitor 103 detects changes in the physical queue that necessitates changes in virtual queue 210 or when attraction information 611 indicates a problem or other change that necessitates such a

change, queue updater 212 causes computer 101 to enter state 612. The virtual queue 210 is updated to account for the changes. ...

More specifically, Waytena teaches that a processor 209 in the attraction computer determines a desired interleave ratio for admitting patrons from the physical and virtual queues. The interleave ratio is typically base on several factors, including for example, the size of the physical queue, staffing, throughput, etc. For more a more detailed discussion of the interleave ratio, see Figure 7 and Column 22 line 23 through Column 25 line 4 of Waytena.

### **The Rejection**

Claim 37 was rejected by the combination of Fukuma and Waytena. The Applicants submit that in constructing the rejection, the Examiner (i) completely misconstrued the actual teachings of Fukuma; and (ii) improperly combined the Fukuma and Waytena references. Each of these issues are discussed in detail below.

#### **I. Mis-Construing of Fukuma**

In paragraph 6 of the May 11, 2001 Office Action the Examiner states:

- (a) *"... Fukuma teaches an apparatus comprising a reservation booking database having a plurality of records corresponding to a plurality of time-slots for tables [at] a restaurant . . ."*

In fact, the database of Fukuma only contains records pertaining to banquet areas. It does not contain a plurality of time-slots for tables at a restaurant as the Examiner states;

- (b) *"... and a website module configured to create a[n] site to enable a user to book a table at a banquet area (Fig. 2/10)  
..."*

In fact, since the Fukuma system can be accessed only by the banquet hall provider and the system is not connected to a network of any kind, there is absolutely no teaching or suggestion by Fukuma whatsoever of the website module configured to allow an [Internet] user to book a banquet area;

- (c) *"... the website module further comprising a time slot display module configured to display one or more available time-slots corresponding to one or more available tables at*

*the banquet area's place of business (Fig. 5/10/11/12/13/14/15) ..."*

Again, Fukuma does not teach a website module or a time-slot display module configured to display to an Internet user available tables. This statement by the Examiner is therefore completely inaccurate;

- (d) *"... and a booking module configured to enable the Internet user to book one of the available time slots to reserve the corresponding available table (Col. 5, lines 16-31) in the reservation booking database ..."*

Again, there is absolutely no teaching or suggestion by Fukuma of a booking module that allows an Internet user to book an available time-slot at the banquet hall; and

- (e) *"... the banquet area maintenance module further comprising a reservation booking database having a plurality of records, the plurality of records corresponding to time slots for the tables at the banquet hall ..."*

The database in Fukuma contains records corresponding to banquet areas, not time-slots for individual tables. The Examiner has therefore again misconstrued the teaching of the reference.

To establish a prima facie case of obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art. In this case, the Examiner has clearly failed to meet this burden since Fukuma does not teach most of the elements of claim 37.

## II. Improper Combination

In justifying the combination of Fukuma and Waytena, the Examiner states in paragraph 6 of the Office Action:

*Fukuma teaches the above for banquet halls. Fukuma fails to teach Internet communications. Waytena teaches computer communication (col. 3, lines 3-7) (col. 6, lines 31-57). It would be obvious to one skilled in the art at the time of the invention to implement identical methods to restaurants and combine Fukuma in view of Waytena to teach the above. The motivation is to apply these techniques to the dining industry.*

The Applicants submit that the proposed combination of Fukuma and Waytena is improper. Waytena actually teaches away from the proposed combination and therefore the combination is not permissible. Furthermore, even if it were permissible to make the combination, not only would it result in a nonsensical system, but it still would not result in the present invention as claimed.

In the proposed combination, it is assumed that the Examiner is relying on the database of Fukuma which can be accessed by a facility provider to make reservations with the virtual queue of Waytena where patrons can make reservations over a communications network as analogous to the Applicants' reservation booking database that can be accessed by both a restaurant and Internet users respectively. However Waytena specifically teaches that those in the physical queue are **never** included in the virtual queue. Rather the physical queue is simply used to adjust the rate of admission of those in the virtual queue to an attraction. Since Waytena explicitly teaches that patrons in the physical queue never are entered into the virtual queue, either by the facility provider or patrons themselves, this reference actually teaches away from a system like the present invention where patrons using the Internet and a facility provider can both enter reservation information into a single database.

For arguments' sake, even if it were proper to combine Fukuma and Waytena for use with a restaurant, the combination would result in a nonsensical system. The proposed combination would include (i) the computer system of Fukuma which would allow a restaurant provider to make reservations for patrons presumably for tables (as noted above, this feature is not specifically taught by Fukuma); and (ii) a separate virtual queue for walk-in patrons at the restaurant facility. In this hypothetical system, the restaurant would first provide a walk-in patron with a PCD. The patron would then be required to enter their name into a virtual queue to make a reservation for a table. Clearly such a system is implausible because a walk-in patron would be either seated immediately if a table is available or placed on a wait list until a table becomes available. Requiring the patron to make a "reservation" using a PCD in this situation would be nonsensical because the purpose of making reservation is to insure a table is reserved in advance for a patron so they do not have to wait.

Finally the proposed combination still would not result in the present invention as provided in claim 37. With Fukuma, the reservation management tables are used for storing advanced reservation information for a banquet hall. Waytena teaches the use of a virtual queue of patrons seeking to use an attraction who are already physically present at a facility. As noted previously, the admission of patrons to an attraction in the virtual queue may be adjusted based on the physical queue. But in no way does Waytena teach or suggest that the facility or any other party for that matter enter patrons into the virtual queue. Thus the proposed combination actually

defines two separate databases. The communication fails to teach a single reservation booking database that can be accessed both by an Internet user using a booking module accessible through a website module and a restaurant provider using a table reservation module configured to enable restaurant provider to make reservations for patrons not using the Internet.

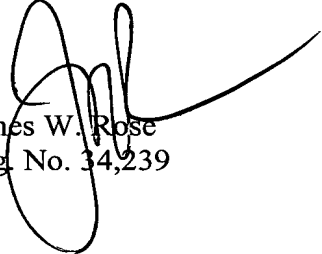
The Applicants submit that claim 37 is now in a condition for allowance. The Applicants further submit that claims 38 – 79 and claim 126 are also patentable based on their dependency on claim 37, and therefore, the merits of the patentability of these claims are not individually addressed herein. However the Applicant's wish to state that they do not agree with the Examiner's rejection of these claims and reserve all right to argue the patentability of these claims at a later date.

Similarly, the Applicants submit that independent claims 80, 99, 119, and 120 include similar elements as found in claim 37. Specifically each of these claims recites a restaurant reservation system or method where both Internet users and a restaurant can make table reservations in a reservation booking database. Accordingly for the similar reasons articulated above, the Applicants submit that claims 80, 99, 119, and 120 and their dependant claims are all in a condition for allowance. Accordingly the merits of the patentability of these claims are not individually addressed herein. However the Applicant's wish to state that they do not agree with the Examiner's rejection of these claims and reserve all right to argue the patentability of these claims at a later date.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

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### Marked up Version of the Claims

39. The apparatus of claim [38] 37, wherein the time-slot display module of the web site module further comprises a time-slot search module configured to search and display the available time-slots for tables at the restaurant's place of business during a selected time period as defined by the Internet user.

41. The apparatus of claim 37, wherein the booking module of the web site module is further configured to require the Internet user to submit personal information over the Internet **[for the Internet user]** to book one of the available time-slots.

44. The apparatus of claim [43] 41, wherein the web site module further comprises a confirmation module configured to generate a confirmation message over the Internet to the Internet user after the personal information has been written to the reservation booking database of the restaurant to confirm the booking of the selected time-slot.

[48] 126. The apparatus of claim 37, wherein the table reservation management module is further configured to enable the number of records in the reservation booking database for the restaurant to be defined by the restaurant.

51. The apparatus of claim 50, wherein the restaurant display module is further configured to display the time-slot inventory of tables and the time increments for the availability of the tables on **[the] a** computer display.

58. The apparatus of claim 55, further comprising a restaurant data entry module configured to allow the restaurant to write customer information into **[the record corresponding to the available time-slot] one of the records** to book **[the] an** available time-slot in the name of the customer.

64. The apparatus of claim 37 wherein the web site module further comprises a first cancellation module configured to permit the Internet user to cancel **over the Internet** a

previously booked timeslot for a table booked by the Internet user at the restaurant's place of business.

67. The apparatus of claim 37, wherein the restaurant maintenance module further comprises a block-out module configured to enable the restaurant to selectively block-out time-slots in the **[restaurant's time-slot inventory] reservation booking database** so that the blocked-out time-slots can not be booked.

69. The apparatus of claim **[68] 37**, wherein the restaurant maintenance module for the restaurant, including the reservation booking database and the table reservation management module, are configured to reside on a computer affiliated with the restaurant.

70. The apparatus of claim 69, wherein the restaurant maintenance module is further configured to write reservation updates to the restaurant's reservation booking database over the Internet to an aggregate database located at **[the] a** central computing location, the aggregate database containing the reservation booking databases for a plurality of restaurants affiliated with the web site.

71. The apparatus of claim 68, wherein the restaurant maintenance module for the restaurant, **[including] the reservation booking database [database]** and the table reservation management module, are further configured to reside at the central computing location and are accessible by the restaurant over the Internet.

80. A reservation system comprising:

a reservation booking database having a plurality of records, the plurality of records corresponding to the plurality of time-slots for the tables at **[the] a** selected restaurant;

a central computing location configured to an host Internet web site for booking reservations **[at a plurality of restaurants]**, the central computing location comprising:

an Internet search module configured to identify **[a] the** selected restaurant in response to a search request submitted by an Internet user to identify the selected restaurant **[among a plurality of restaurants]** affiliated with the web site;

a time-slot display module configured to display one or more available time-slots each corresponding to one or more tables at the selected restaurant's place of business; and

a booking module configured to permit the Internet user to book one of the available time-slots to reserve the corresponding table in the reservation booking database; and

a local computer located at the selected restaurant, the local computer configured to cooperate with the central computing location and including a table reservation management module configured to permit the selected restaurant to book time-slots in the reservation booking database to reserve tables at the selected restaurant for customers not making bookings over the Internet.

107. The method of claim 99, wherein providing the table reservation management module further comprises enabling the first restaurant to manage a selected portion of its time-slots **[inventory]** for table bookings made by Internet users and for customers not making reservations over the Internet.